

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 1798.50US05

Brewer et al.

Confirmation No.: 8486

Application No.: 10/760,040

Examiner: S. Getzow

Filed: January 16, 2004

Group Art Unit: 3762

For: METHOD AND APPARATUS FOR DELIVERING A BIPHASIC DEFIBRILLATION PULSE WITH VARIABLE ENERGY

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, Cardiac Science Corporation, of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,411,846. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

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The undersigned is an attorney or agent of record.

Respectfully submitted,



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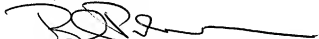
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Brad Pedersen